

**Remarks/Arguments****Office Action Summary****Status.**

1. This *RESPONSE B* is in answer to the Office communication mailed 04/19/2007.
2. The Office communication is non-final.
3. NA

**Disposition of Claims.**

4. Claims 1 - 42 are pending in the application.
5. Claims 16 - 42 have been allowed.
6. Claims 1 - 15 stand rejected.
7. NA
8. NA

**Application Papers.**

9. NA
10. NA
11. NA

**Priority under 35 U.S.C. § 119.**

12. NA

**DETAILED ACTION**

**Claim Rejections - 35 USC § 103 (a)**

0. The quotation of 35 USC § 103 (a) is noted.
1. Claims 1-5, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al (US 20040062298) in view of Henriksson (US 20040037353).

1.1 **Claim 1 Rejection.** In making the rejection, the Examiner argues in the 09/19/2007 Office Action as follows (with numbering added for ease of reference):

- 1.1.1. *As to claim 1, McDonough teaches a system including a generator for detecting direct sequence signal where the radio signal has specifications for operating in a communications system comprising,*
- 1.1.2. *a signal component source (see fig. 3, number 317, paragraphs 0041-0046) for providing signal components including parameters and including a sequence and symbols derived from radio transmissions of the communications system,*
- 1.1.3. *a signal generator (see fig. 3, number 321, paragraphs 0041- 0046) for digitally processing the sequence, the test symbols and test parameters to form an agile test signal,*
- 1.1.4. *a transmitter for transmitting the test signal to the test radio (see paragraphs 0041-0046).*
- 1.1.5. *McDonough fails to teach wherein the system is a testing system.*
- 1.1.6. *Henriksson teaches a testing sytem (sic) for testing a transmitter and receiver part in a transceiver (see fig. 2, number 200, paragraphs 0021-0023).*
- 1.1.7. *Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Henriksson into the system of McDonough so that the testing system can be easily integrated and increase the cost saving.*

1.2. The Examiner's argument supporting the rejection as quoted in Section 1.1 is in error for a number of reasons as follows.

- 1.2.1. **Summary.** As required by Applicants' Claim 1, neither McDonough nor Henriksson has the following positively recited elements:

1.2.1.1. “a signal component source for providing signal components including test parameters and including a test sequence and test symbols derived from radio transmissions of the communications system,”

1.2.1.2. “a signal generator for digitally processing the test sequence, the test symbols and test parameters to form an agile test signal”

1.2.2. **Comments As To Section 1.1.1.** The preamble of Applicants’ Claim 1 is “A test system *including a generator* for generating an agile frequency test signal...”. Contrary to the Examiner’s argument that “*McDonough teaches a system including a generator...*”, McDonough does not teach a *generator* but rather McDonough only describes a system for *detecting signals*. (See McDonough’s title “SYSTEM ... FOR ... DETECTING ... SIGNALS”, see first sentence of McDonough’s ABSTRACT, “System ... for ... detection of ... signals” and see McDonough’s SUMMARY, paragraph [0013] “... receiving...”; paragraph [0014] “... a received sequence ...”; paragraph [0015] “... wireless receiver...”. The Examiner argues that McDonough has a “*generator for detecting direct sequence signal*”. The McDonough detector is clearly not the “*generator for generating an agile frequency test signal*” recited by Applicants’ Claim 1. McDonough does not extract signal components from a received signal. McDonough only compares the received signal against possible matching signals to find the matched signal. Henriksson does not extract signal components from the received signal. Henriksson only frequency translates and attenuates the received signal.

1.2.3. **Comments As To Section 1.1.3.** The Examiner’s argument supporting the rejection, as quoted in Section 1.1.3 above, is in error. No where does McDonough describe or suggest a “*a signal generator for digitally processing the sequence, the test symbols and test parameters to form an agile test signal*”. McDonough is only concerned with analysis of received signals and not with generating any test signals.

- 1.2.4. **Comments As To Section 1.1.4.** The Examiner's argument supporting the rejection, as quoted in Section 1.1.4 above, is in error. No where does McDonough describe or suggest "*a transmitter for transmitting the test signal to the test radio*". McDonough is only concerned with analysis of received signals and not with transmission of test signals.
- 1.2.5. **Comments As To Section 1.1.5.** The Examiner's admission that "*McDonough fails to teach wherein the system is a testing system*" is noted. This admission, of course, is an admission that McDonough does not have either the agile signal *transmitter* or the agile signal *generator* both of which are positively recited elements in Applicants' Claim 1.
- 1.2.6. **Comments As To Section 1.1.6.** The Examiner argues that *Henriksson teaches a testing sytem (sic) for testing a transmitter and receiver part in a transceiver*. While Henriksson describes a testing system, Henriksson does not teach a "signal generator" that operates "to form an agile test signal" as required by Applicants' claim 1. The test signal in Henriksson is only the un-transmitted signal. Henriksson does not extract signal components including test parameters and including a test sequence and test symbols as required by Applicants' Claim 1.
- 1.2.7. **Comments As To Section 1.1.7.** The Examiner argues that it would be obvious "*to provide the teaching of Henriksson into the system of McDonough*". This conclusion is believed to be unfounded for at least two reasons.
- 1.2.7.1.**First**, even if Henriksson were incorporated somehow into the system of McDonough, such incorporation would not teach Applicants' invention. Applicants' Claim 1, for example, requires both generation of an agile test signal for transmission and a transmitter for transmitting the agile test signal. As discussed above in detail, neither McDonough nor Henriksson generates an agile test signal.
- 1.2.7.2.**Second**, the Examiner argues that it would be obvious *to provide the teaching of Henriksson into the system of McDonough so that the testing system can be easily*

*integrated and increase the cost saving.* However, such introduction of Henriksson into McDonough would neither be easily integrated nor increase any cost saving. The Examiner cites neither reasoning nor other justification supporting such conclusions of easy integration or cost savings. The Henriksson system is the only one of the two systems that is a testing system. The Examiner has admitted that McDonough is not a testing system. Henriksson relies upon a very simple test signal, that is, the transmitter signal of the transceiver is hardwired directly to the receiver for testing. If the complexity of McDonough were combined with the test system of Henriksson, then the test system would be far more complex and expensive, contrary to the Examiner's conclusion of cost saving. Furthermore, it is not apparent how a workable system would result from the combination of McDonough and Henriksson. Each system has a different purpose and function and the modification of one to work with the other would necessarily destroy the intended function of one or the other or both systems.

- 1.3. In conclusion regarding Claim 1, neither McDonough nor Henriksson has any description about the nature of transmitted agile test signals; how they are formed, generated or transmitted. McDonough is only concerned with received signals and how to process the received signals. McDonough makes no suggestion that anything related to the processing of the received signals would be useful in forming signals to be transmitted for testing a radio. Neither McDonough nor Henriksson has any suggestion of "signal components including test parameters and including a test sequence and test symbols" or any "signal generator for digitally processing the test sequence, the test symbols and test parameters to form an agile test signal". Neither McDonough nor Henriksson alone or in combination have these positively recited elements of Applicants' Claim 1.

- 1.4. **Claims 2, 3 Rejection.** In making the rejection, the Examiner argues as follows:

*As to claims 2, 3, the combination of McDonough and Henriksson teaches wherein the test system extracts the signal components from the transmission*

*of a transmitting radio for the communications system; wherein the transmitting radio is the test radio (see McDonough paragraph 0041)*

- 1.4.1. The Examiner's argument supporting the rejection, as quoted in Section 1.4 above, is in error. Nothing in McDonough teaches how or what signals are to be generated in the "transmitting radio" in McDonough. The Examiner has reversed the roles of the transmitter radio and receiver radio in McDonough. In Applicants' claimed invention, the test radio must be a radio receiving the "agile test signal".
- 1.4.2. The Examiner argues as quoted in Section 1.4 that the "test radio" is the radio transmitting the "test" signal. If as argued by the Examiner, the test radio is the transmitting radio, then the "test" radio in McDonough never receives the agile test signal and the "test" radio in McDonough therefore cannot be tested. Furthermore, there still is nothing in McDonough that generates or transmits agile test signals as required by Applicants' claims. Furthermore, nothing in Henriksson suggests transmitting an agile test signal.
- 1.4.3. Applicants' dependent Claim 3 recites that "the transmitting radio is the test radio". While the transmitting radio can be the test radio per Claim 3, such condition does not remove the requirement per Claim 1 that the test radio must also receive the agile test signal. Such a relationship is shown in Applicants' FIG 2 where the radio 102 both transmits and receives. By way of distinction, nothing in McDonough or in Henriksson shows or suggests a test radio that receives an "agile test signal". The McDonough paragraph 0041 describes no details whatsoever about the transmitted signal. The Examiner's argument as quoted in Section 1.4 above that "*the transmitting radio is the test radio*" does not address the requirement of Applicants' Claim 1 that the test radio must receive the agile test signal. In addition to a receiver of the test signal, a generator and transmitter for transmitting the agile test signal also must be present as required by Applicants' claims, but none is present in McDonough or in Henriksson.

1.5. **Claims 4 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

1.5.1. *As to claim 4, the combination of McDonough and Henriksson teaches wherein the transmitting radio is different from the test radio and*

1.5.2. *wherein the test radio has the same specifications as the test radio (see McDonough paragraph 0088).*

1.5.3. Nothing in McDonough and Henriksson supports the Examiner's argument quoted in Section 1.5.1 above "*wherein the transmitting radio is different from the test radio*". Specifically, paragraph [0088] cited by the Examiner has been studied carefully and nothing can be found in that paragraph that supports the Examiner's argument. The paragraph [0088] does not discuss a transmitting radio and a test radio. Similarly, the Examiner's argument quoted in Section 1.5.2 above is not supported by McDonough and Henriksson. Specifically, paragraph [0088] cited by the Examiner has been studied carefully and paragraph [0088] does not discuss a transmitting radio and a test radio, nor is there any discussion of specifications that may be the same or different for two radios.

1.6. **Claims 5 Rejection.** In making the rejection, the Examiner argues as follows:

*As to claim 5, the combination of McDonough and Henriksson teaches wherein the component source includes a memory for storing digital values of the signal components (see McDonough fig. 7, number 730, paragraph 0088).*

1.6.1. The Examiner's arguments are not supported by McDonough and Henriksson. The Examiner states, as quoted in Section 1.6, that McDonough includes a memory 730. However, paragraph [0090] of McDonough that refers to memory 730 does not describe any function other than storage for that memory. Paragraph [0088] cited by the Examiner makes no reference to any memory. Therefore, the Examiner's conclusion that McDonough teaches anything about *storing digital values of the signal components* is not supported by McDonough.

**1.7. Claims 10, 11 Rejection.** In making the rejection, the Examiner argues as follows:

*As to claims 10, 11, the combination of McDonough and Henriksson teaches where the test radio is monitored to determine performance in response to the agile test signal; where the test signal is transmitted by a transmit antenna to a receive antenna of the test radio (see fig. 7, number 705, paragraph 0088).*

- 1.7.1. The Examiner's argument supporting the rejection, as quoted in Section 1.7 above, is in error. Nothing in McDonough or Henriksson teaches monitoring the test radio in response to an agile test signal. In FIG 7 of McDonough, a receiver radio is shown with a receiver antenna 705. All of the processing in McDonough occurs upon the received signal such as the signal from antenna 705. The received signal in McDonough is not used to generate any signal (an agile test signal or other signal) for transmission to a test radio as required by Applicants' Claim 1. The Examiner argues that FIG 7 of McDonough is the test radio, and if this assertion is true, nonetheless nowhere in McDonough is there any description of generation of an agile test signal for transmission to that test radio of FIG 7 of McDonough. Applicants' Claim 1, for example, requires such generation and transmission of an agile test signal. Henriksson does not teach generation of an agile test signal for transmission to the test radio.
- 1.7.2. The Examiner's argument as quoted in Section 1.7 that the receiver in McDonough is the test radio is inconsistent with the Examiner's argument quoted in Section 1.4 above that the transmitting radio is the test radio. Regardless as to which radio the Examiner argues is the test radio in McDonough, McDonough does not show generation of an agile test signal for transmission to that test radio as required by Applicants' claims.
- 1.7.3. If the Examiner persists in the rejection, the Examiner is respectfully requested to identify in McDonough, or in any other reference, the agile test signal, the transmitter that transmits that agile test signal and the receiver that receives the agile test signal. Applicant has previously requested such identification, but the Examiner has declined to do so. Obviously, the Examiner cannot make such identification because they do not exist in McDonough, or in any other reference.



1.8. **Claims 6-9, 12-15 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

*Claims 6-9, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al (US 20040062298) in view of Henriksson (US 20040037353) further in view of Taki et al (US 20040070490).*

1.8.1. **Claims 6,7** With regard to Claims 6 and 7, the Examiner argues:

1.8.1.1. *As to claims 6, 7, the combination of McDonough and Henriksson fails to teach wherein the test sequence is a hopping sequence and the test radio is a frequency hopping radio; wherein signal hop frequencies and message symbols are extracted from the transmission of a transmitting radio for the communications system.*

1.8.1.2. *Taki teaches wherein the test sequence is a hopping sequence and the test radio is a frequency hopping radio (see fig. 3, paragraphs 0076-0077, 0084-0086); wherein signal hop frequencies and message symbols are extracted from the transmission of a transmitting radio for the communications system (see fig. 3, paragraphs 0076-0077, 0084-0086).*

1.8.1.3. *Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Taki into the system of McDonough and Henriksson in order to obtain the original information signal.*

1.8.2. The Examiner is correct in the Office action quote of Section 1.8.1.1 above as to the things that McDonough and Henriksson fail to teach. Further, as discussed above, McDonough and Henriksson fail to teach generation of an agile test signal or the transmission of an agile test signal to a test radio.

1.8.3. The Examiner is in error in arguing as quoted in Section 1.8.1.2 above that *Taki teaches wherein the test sequence is a hopping sequence and the test radio is a frequency hopping radio*. Nothing in Taki suggests anything about a test system, about a test sequence or about a test radio. The Examiner has not identified anything in Taki that relates to testing in any manner or form. Although Taki describes a frequency hopping system, Taki does not describe a test system.

1.8.4. Since McDonough and Henriksson fail to teach generation of an agile test signal or the transmission of an agile test signal to a test radio and since Taki does not describe

anything relating to testing, the combination of McDonough, Henriksson and Taki similarly fails to teach generation and transmission of an agile test signal to a test radio as required by Applicants' Claim 1, for example.

- 1.8.5. To the extent in Section 1.8.1.3 above that there is any relevance to Applicants' claims, the Examiner is in error in arguing as quoted that it would have been obvious *to provide the teaching of Taki into the system of McDonough and Henriksson in order to obtain the original information signal*. Taki is a frequency hopping system and McDonough and Henriksson are not frequency hopping systems and it is not apparent how they can be made to work together. There is no suggestion by the Examiner or in any of the references as to why such a combination should be made or if to be made how it would work. The Examiner seems to have picked some arbitrary frequency hopping system (Taki) having nothing to do with testing and combined it with McDonough and Henriksson for no justifiable purpose or technical reason. Certainly one skilled in the art would find no reason to make such a combination.

- 1.8.6. **Claims 8, 9** With regard to Claims 8 and 9, the Examiner argues:

*As to claims 8, 9, the combination of McDonough, Henriksson and Taki teaches where the test signal is generated as an analog signal with a digital to analog converter (see Taki fig. 3, number 30, paragraphs 0076-0077, 0084-0086); where the analog signal is up-converted to a higher frequency for transmission to the test radio (see Taki fig. 3, number 30, paragraphs 0076-0077, 0084-0086).*

- 1.8.7. For the reasons explained above, the combination of McDonough, Henriksson and Taki fails to teach generation and transmission of an agile test signal to a test radio as required by Applicants' Claim 1 regardless of whether in digital or analog form.

1.8.8. **Claim 12.** With regard to Claim 12, the Examiner argues:

*As to claim 12, the combination of McDonough, Henriksson and Taki teaches where the test signal is transmitted by a transmit wired connection to a receive wired connection of the test radio (see McDonough paragraph 004 1-0046).*

1.8.9. For the reasons explained above, the combination of McDonough, Henriksson and Taki fails to teach transmission of an agile test signal to a test radio as required by Applicants' Claim 1 regardless of whether or not a wired connection is used.

1.8.10. **Claims 13, 14** With regard to Claims 13 and 14, the Examiner argues:

*As to claims 13, 14, the combination of McDonough, Henriksson and Taki teaches where interference signals are added to the test signal; where noise is added to the test signal (see McDonough paragraphs 0088).*

1.8.11. The Examiner's argument supporting the rejection, as quoted in Section 1.8.10 above, is in error. In paragraph [0088], interference and noise are **removed** from the received signal whereas Applicants' claims require that interference (see Applicants' Claim 13) and noise (see Applicants' Claim 14) be **added** to the transmitted signal. The operation in McDonough of removing noise and interference from a received signal is conventional in order to be able to better process the received signal. However, adding noise and interference to a test signal to be transmitted is not conventional and is not suggested in any way by McDonough alone or in view of Henriksson and/or Taki.

1.8.12. **Claim 15.** With regard to Claim 15, the Examiner argues

*As to claim 15, the combination of McDonough and Taki teaches where a signal amplitude of the test signal is faded (see Taki paragraph 0086)*

1.8.13. The Examiner's argument supporting the rejection, as quoted in Section 1.8.12 above, is in error. Nothing in Taki paragraph 0086 appears to be related to reduced amplitude. Applicants believe the Examiner may be referring to Taki paragraph 0085

**RESPONSE B**

which describes the reduced amplitudes of the reflected signals. If this is the Examiner's intent to apply Taki paragraph 0085, then the Examiner is still in error for the following reasons. For the reasons explained above, the combination of McDonough, Henriksson and Taki fails to teach transmission of an agile test signal to a test radio as required by Applicants' Claim 1. Since there is no agile test signal, the fact that some other signal has a reduced amplitude does not suggest in anyway fading the amplitude of an agile test signal.

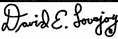
**Allowable Subject Matter**

2. The allowance of Claims 16-42 is noted.

**Other**

3. The prior art made of record and not applied is noted.

Respectfully submitted,

	SIGNATURE	
<b>David E. Lovejoy</b> (US Reg. No.: 22,748)	 /david lovejoy/	<b>Signature Date</b>  December 4, 2007
Mail Address	Customer No.	Communication
102 Reed Ranch Rd. Tiburon, CA 94920-2025 USA	21603	Tel: (415) 435-8203 Fax: (415) 435-8857 e-mail:david.lovejoy@sbcglobal.net